

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**



December 23, 2010

Jacques B. DePuy, Esquire  
Greenstein DeLorme & Luchs, P.C.  
1620 L Street, N.W. - Suite 900  
Washington, D.C. 20036-5605

Re: 3246/50 N Street, N.W.; Lot 858, Square 1218 ("Property")

Dear Mr. DePuy:

This letter is in response to your letter dated December 10, 2010 and is in furtherance of the meeting with Guiseppe Cecchi, Vincent Mark Policy (your law partner) and you in my office on December 8, 2010. This letter is also to confirm my analysis and conclusions with respect to zoning matters.

As indicated in your letter and the meeting, Mr. Cecchi's company desires to reduce the number of apartment units from ten (10) to seven (7), to establish a condominium regime for the seven (7) units, to maintain with no change the existing six (6) indoor parking spaces, and to convert the three (3) existing apartment units in the front of the building to a one-family dwelling. The seven (7) condominium units are and will continue to be located in the rear of the existing building and the one-family dwelling is and will continue to be located in the front of the existing building. The 7-unit condominium will be located on one assessment and taxation lot (under the ownership of a condominium association and unit owners) and the one-family dwelling will be located on a different assessment and taxation lot (under separate ownership). No subdivision of the existing record lot would be necessary and no exterior work (only interior repair and replacement) is proposed.

During the meeting, we agreed that the Property is unique in several respects, including its large size in relation to surrounding and nearby single-family homes, its prior use as an eleemosynary institution (nursing home), its current use as a ten-unit apartment house on land that is zoned R-3, the actual use (for all intents and purposes) of the three (3) units in the front of the Property by Leo and Beverley Bernstein as a one-family dwelling, and the approval in 1966 by the BZA of a change in use from an eleemosynary institution into an apartment house. Because of these unique factors, I indicated that determinations by this office with respect to zoning matters pertaining to the Property would not be or become precedents for determinations on similar matters with respect to other properties.

Based on my review of the 1966 BZA order and applicable Zoning Regulations, I concluded at the meeting and hereby confirm the following:

1. The establishment of the 7-unit condominium does not generate zoning issues or requirements;
2. The reduction of apartment units from ten (10) to seven (7) is a lessening of the intensity of use of the Property and moves in the direction of conformity with the Zoning Regulations and, therefore, no BZA approvals of your client's proposal are needed;
3. Given the absence of a specific allocation of parking by the BZA Order, although this office enforces the parking requirements it does not allocate parking spaces among or between users, including with respect to the Property, among the condominium units and one-family dwelling, and such an allocation is a matter left to the owner of the Property; and
4. As to the issue of whether it would be appropriate for the new owner to (A) obtain a new Certificate of Occupancy for the 7-unit condominium (apartment house), with no Certificate of Occupancy being required for the one-family dwelling pursuant to Section 3203.1(a) of the Zoning Regulations or (B) obtain a new Certificate of Occupancy for an eight unit multiple dwelling use I have determined that option B would apply

Your client agreed in the meeting and in your letter that a building permit will be necessary for any plumbing, electrical, structural and other work necessary for interior renovations and that an application for such a permit will be filed and prosecuted in the normal course pursuant to all usual and customary DCRA requirements.

I trust this letter is responsive to your request. Kindly contact me or my office with any further questions you might have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Le Grant".

Matthew Le Grant  
Zoning Administrator